

Members' Handbook

"Promoting Service, Responsibility and Integrity"



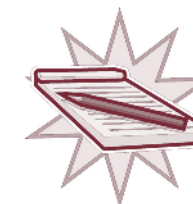
Office of Boards and Commissions

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Government of the District of Columbia

Anthony A. Williams
Mayor



Foreword

Welcome to the District of Columbia Office of Boards and Commissions.

This Handbook is intended to provide information, guidance, direction and procedures for the members serving on boards and commissions in the District of Columbia. The Handbook has been prepared by the Office of Boards and Commissions (OBC), Executive Office of the Mayor, Government of the District of Columbia.

The OBC assists the Mayor in appointing citizens to boards and commissions by recruiting qualified candidates, timely processing of applications, and by providing excellent customer service and support to each participant in the Mayoral appointments process. The District of Columbia has over 150 different boards and commissions. These boards or commissions are independent bodies that provide important advisory, regulatory, or policy-making services as part of the Government of the District of Columbia. Members of Boards and Commissions provide an invaluable service to the District by advising the Mayor, the Council of the District of Columbia and the residents of the District on a variety of significant matters. Members are appointed to boards and commissions by the Mayor, and generally serve without compensation. Members may be appointed to a board or commission by a Direct Mayoral Appointment, or may be appointed through the Nominations Process whereby an appointment must be confirmed by the Council of the District of Columbia.

Any resident who would like to be considered for an appointment to one of the District's boards or commissions should obtain and complete the "Application for Mayoral Appointment to a Board or Commission." Upon completion of the application, please forward it, along with an updated resume or biography, to: Director, Office of Boards and Commissions, Executive Office of the Mayor, at the address listed below.

Office of Boards and Commissions
Executive Office of the Mayor
One Judiciary Square
441 4th Street, NW, Suite 530 South
Washington, DC 20001
Telephone: (202) 727-1372
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Message from the Mayor




Dear Fellow Citizen:

Public service plays a vital role in our community. Your involvement with a board or commission in the District of Columbia is a great way to make a difference on issues that affect the lives of our neighbors, friends and the business community. As a member of a board, you are participating in a long tradition in our nation of citizen governance. Your generous contribution of your time, experience and talent assures the continuation of this fine tradition of citizen involvement in government in the District of Columbia.

I consider you and your fellow board members to be my invaluable representatives on boards that function through each segment of the District government. Each day, you are listening to the needs of our fellow citizens, dealing with important community issues, helping to find equitable solutions to complex problems, assisting in preserving an excellent quality of life in the District, and implementing the qualities and standards that make the District such a wonderful place to live, work, do business, and to raise our families.

The purpose of this handbook is to help you in your role as a board member. This role bestows upon you a responsibility to ensure that you carry out your responsibilities as an effective member. I fully realize the amount of time and energy that your board work takes from you, your families, or even your professional lives. However, you should know that I and all District residents appreciate and thank you for your invaluable service.

Sincerely,


Anthony A. Williams
Mayor

Message from the Director



On behalf of Mayor Anthony A. Williams, we welcome you to your service as a member of a board or commission in the District of Columbia. We also extend our thanks for your willingness to participate in the governance of the District of Columbia (District). You have been appointed by Mayor Williams to serve the interests of the District of Columbia. Your appointment to this position is one of trust and recognition of your skills, vision, and experience, and calls upon you to keep the interests of our citizens uppermost in your service, deliberations and decisions. The guiding themes for your tenure of service are: service, responsibility and integrity.

This honor confers upon you a responsibility to actively participate in all matters involving your board. In addition, it is of the utmost importance that you maintain the highest ethics and use citizen resources wisely. It is also extremely important to avoid conflicts of interest, or even the appearance of conflicts of interest. If you have any questions about these matters, you should always consult the agency legal counsel assigned to your board or commission, the Office of Campaign Finance, or the Office of Boards and Commissions.

Your commitment of time, knowledge, and experience is valued by Mayor Williams and our fellow citizens, and we greatly appreciate your dedication and willingness to serve. I know that you will do an outstanding job. Your participation will help make the District a true national jewel, and a better place to live and work.

The Boards and Commissions Members Handbook was developed to provide you with an overview of procedures, rules, laws and information that will make your service more effective and provide you with the necessary tools for fulfilling your responsibilities. If there is any matter of concern regarding boards and commissions not covered in this manual, please feel free to consult with us.

Again, welcome and a very warm thank you for your service!

Sincerely,

Ronald R. Collins
Director, Office of Boards and Commissions
Executive Office of the Mayor

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CHAPTER 1

GENERAL INFORMATION AND THE APPOINTMENT OF MEMBERS TO BOARDS AND COMMISSIONS

1.0 Recruitment

- 1.0.1 The Mayor maintains an open policy for seeking candidates interested in appointment to boards and commissions. The Office of Boards and Commissions (OBC) distributes the “*Boards and Commissions Profiles Guide*” which contains a description of each board and commission, and publishes a Boards and Commissions Vacancy List which lists the existing and upcoming vacancies on boards and commissions.
- 1.0.2 Candidates for consideration for a Mayoral appointment to a board or commission may be recommended by an organization, an individual, current or past members of a board or commission, or a candidate when a vacancy occurs. In fact, organizations and their members are encouraged to suggest candidates for consideration by the Mayor for appointment to a board or commission to the Office of Boards and Commissions.
- 1.0.3 Board members, organizations, and individuals are encouraged to assist in the recruitment process. They are also encouraged to disseminate information about vacancies to interested individuals and organizations about opportunities and the recruitment process. The Office of Boards and Commissions will provide copies of materials upon request.

1.1 Application process

- 1.1.1 **How to apply for Mayoral appointment to a board or commission**
The Office of Boards and Commissions, Executive Office of the Mayor, encourages all District residents to participate in the District government process and seeks the most qualified candidates for appointed positions. Interested candidates should follow the instructions in the “Boards and Commissions Applications Guide” and complete the “Application for Mayoral Appointment to a Board or Commission.” After completing the application, send it, along with a resume or biography to the Office of Boards and Commissions, Executive Office of the Mayor. When OBC receives your application, you will be sent an acknowledgment.
- 1.1.2 Your name will be entered into the appointments system for the board or commission on which you have expressed an interest in serving. Any additional information received from you or from others relating to your appointment will be kept in the OBC appointments system. If we need additional information, we will contact you. If a vacancy is not readily available, OBC will contact you when a vacancy becomes available, and will inquire whether you would like to be considered for appointment to that vacant seat.

- 1.1.3 The completion of an “*Application for Mayoral Appointment to a Board or Commission*” is required for consideration of any candidate seeking appointment by the Mayor to a board or commission. The application must be signed before any candidate can be considered for an appointment.

1.2 Letters of recommendation

- 1.2.1 A letter of recommendation is not required; however, if there are individuals who would like to express their support for you, you may ask them to send letters of endorsement to the Office of Boards and Commissions. Please request no more than three (3) letters.

1.3 The process after submission of the application

- 1.3.1 When it is time for the Mayor to make an appointment in which you have expressed interest, the Office of Boards and Commissions reviews statutory requirements that pertain to the appointment and gathers information on professional or personal experience necessary or preferable for the position. The OBC Director also examines the geographic, ethnic, and gender diversity of the current board. The background and qualifications of all applicants are then reviewed. Recommendations are made to the Mayor, who makes the final decision.

1.4 Vacancies on boards and commissions

- 1.4.1 The Office of Boards and Commissions produces a list of vacancies and upcoming openings on boards and commissions. The list is updated every two (2) months and is posted at the OBC website: www.obc.dc.gov.

1.5 Qualifications for appointment

- 1.5.1 The general qualifications for most appointments require that a candidate for appointment be:
1. At least 18 years of age (waived when requirements mandate the appointment of young person, or young adult members);
 2. A resident of the District of Columbia (although this requirement may be waived for regional boards and commissions or for District employees serving in an official capacity, as District or federal requirements may mandate); and
 3. Able to comprehend and participate fully in the work of the board or commission.
- 1.5.2 Some boards require membership from:
1. A political party; or
 2. A geographic area; or
 3. A specific profession.

- 1.5.3 Other qualifications may depend on the method of creation of the board or commission, and whether specific criteria are included in the Mayor’s Order or statute that created the board or commission. Some boards require specific qualifications: i.e., *lawyers, physicians, nurses, engineers, accountants, cosmetologists, or economists, etc.* Most boards, especially professional licenser boards, also include representation from the general public, called *public members or consumer members*.

1.6 Residency requirement

- 1.6.1 By District statute or policy, the members of a board or commission that perform a trust or execute official functions on behalf of the District government must be residents of the District of Columbia. (See generally *D.C. Official Code §1–602.02(3), §1–608.1 (e)(I), and §§3–1201.01 et seq.*). Although nonresidents are sometimes appointed to purely advisory boards, the Mayor has a policy of appointing them only in cases where they represent organizations or agencies with offices located in the District, the appointees have unique skills or resources to contribute through their service, the appointees may serve on a regional board, or they may be government employees who are appointed because of their official positions in government. In the case of a board or commission for which residency is a legal requirement, should a member move out of the District, the appointment is voided by operation of law, and a vacancy is created, because the appointee no longer meets the eligibility requirements for the position.
- 1.6.2 The term “resident” means any person who is a domiciliary of the District of Columbia and who throughout his or her service on a board or commission maintains a place of abode in the District of Columbia as his or her actual, regular, and principal place of occupancy. (See also *D.C. Official Code §1–603.01(15).*)

1.7 Appointment of District employees to boards and commissions

- 1.7.1 District employees may serve on boards and commissions, outside their official capacity, unless a statute or regulation specifically prohibits service on a particular board or commission.
- 1.7.2 Full-time employees of the District government who serve on a board or commission are disqualified from receiving any enumeration for service on boards and commissions, except as expressly provided by law or authorized by the Mayor. Inquiries concerning the application of this policy, or requests for exemption within the discretion of the Mayor should be directed to the Director, Office of Boards and Commissions.
- 1.7.3 Federal government employees serving on District boards and commissions are responsible for obtaining advice from their federal agency, or other appropriate authority, whether their service on a board is permitted and whether their receipt of compensation from the District may violate the Dual Compensation Act where compensation for service on the board is provided.

1.8 The number of boards or commissions to which an individual may apply

- 1.8.1 Candidates may apply to as many boards as they wish. If you are not appointed to the board of your primary choice, you may be considered for others. A candidate must update the “*Application for Mayoral Appointment to a Board or Commission*” if the candidate moves or changes telephone numbers, or e-mail addresses.

1.9 Types of appointments

- 1.9.1 There are two (2) types of Mayoral Appointments to a board or commission:
- 1.9.2 *Direct appointments* are appointments made directly by the Mayor without having to submit the appointment to the Council of the District of Columbia for its advice and consent.
- 1.9.3 *Nomination appointments* are appointments made by the Mayor that require the advice and consent, or confirmation, by the Council of the District of Columbia pursuant to the Home Rule Act, or by the statute or regulation establishing the board or commission.

1.10 Council confirmation

- 1.10.1 In those instances where confirmation of an appointment to a board and commission is required by statute, nominees may be required to attend a public hearing held by a committee, or subcommittee, of the Council, and provide written testimony. Upon confirmation by the Council, a nominee may be officially appointed to the position on the board or commission to which he or she was nominated for appointment by the Mayor. The Office of Boards and Commissions is available to assist nominees in drafting written testimony and in preparing for the public hearing. In some instances, the Council may not hold a hearing, but will permit consideration of the nomination by a 45-day review period.
- 1.10.2 In nominating a candidate, the Mayor submits an appointment to a board or commission to the Council for confirmation by submitting a *transmittal letter*, a *proposed resolution* of appointment, and a *resume* listing the individual’s qualifications for service on the board or commission.

1.11 Term of office

- 1.11.1 All boards and commissions members serve a term of office that can be anywhere from a 30-day term of office to a 5-year term. However, most terms of office are three (3) years.

1.12 Compensation and stipends

- 1.12.1 Most members who serve on boards and commissions are not provided with compensation. Generally, most members serve as volunteers without compensation. Members who serve on *some* boards *are* compensated with small stipends. Those boards are specified by District

law. Those who do receive a stipend receive no more than \$25.00 per meeting with a maximum annual limit, depending on the board. The compensation or reimbursement requirements and limitations are outlined in *D.C. Official Code § 1–611.08*.

- 1.12.2 So, *why serve?* Members serve for a variety of reasons including volunteer public service contribution to improving their community, the prestige of a Mayoral appointment, the value of participating in governmental oversight process, the honor of serving fellow citizens, or the honor of serving their profession or occupation.

1.13 Oath of office

- 1.13.1 All appointees shall be required to take an oath of office or affirmation, and complete an affidavit of service, prior to being officially appointed to a term of service on a board or commission or being permitted to undertake their responsibilities.
- 1.13.2 The following oath, or affirmation is administered to each appointee:
- “I, [your name] do solemnly swear, or affirm, that I will faithfully execute the laws of the United States of America and of the District of Columbia, and will, to the best of my ability preserve, protect and defend the Constitution of the United States, and will faithfully discharge the duties of the office which I am about to enter.”

1.14 Is there a difference between a board and a commission?

- 1.14.1 Essentially, there is no difference. Usually a board has limited members, usually between 3–11 members (An *example includes*: Alcohol Beverage Control Board with seven (7) members); a commission may have more members (*Example*: Building Codes Advisory Committee 40+ members). However, that may not always be the case. (An *example includes*: Public Service Commission with three (3) members).
- 1.14.2 Other terms may also be utilized. In some instances, the terms may include: *Task Force*, *Ad Hoc Committee*, or *Council*. Usually, when those terms are used, the *Task Force* or *Ad Hoc Committee*, it usually means that the entity is of limited duration.
- 1.14.3 Unless the context otherwise requires, the term “board” will be used throughout this handbook to refer generally to both boards and commissions.

1.15 Are there different types of boards?

- 1.15.1 Yes, there are three (3) types of boards and commissions, generally:
- 1.15.2 **Advisory Boards.** May be created by the Mayor, or by the Council. Members serve as advisors on policy matters. Advisory boards may study existing policy and make recommendations for changes or implementation. Advisory boards do not have authority to enforce policy or create rules, but their analyses and recommendations can play an important role in furthering the effective operation of the District government.

1.15.3 **Policy-Making Boards.** These boards generally receive their authority by statute. Policies are created through careful analysis and interpretation of legislative intent, as set forth in the statute. Policy-making boards may also serve as governing boards within an agency. The boards may be responsible for directing the agency, approving budgets, creating and implementing agency policy, or appointing the agency director. Members of these boards have final decision-making authority for their agencies.

1.15.4 **Regulatory Boards.** These boards or commissions may have some of the responsibilities of the advisory and policy boards, depending on the statute or Mayor’s Order creating them. Usually, these boards are created by statute, and perform rule-making or quasi-judicial functions. In fulfilling these functions, the board or commission may operate as a quasi-legislative body, or as a review and appeals body. As an appeals body, regulatory boards hear individual cases and rule on them; board decisions, however, are subject to judicial review in either the District of Columbia Superior Court or the District of Columbia Court of Appeals. Two (2) examples of this type of board include: the *Public Service Commission* and the *Board of Zoning Adjustment*. Regulatory boards may also have the responsibility to determine the competence of members of a professional or occupational group. These types of boards may examine and license members of occupations to practice in the District, and take disciplinary or corrective actions, such as revoking or suspending licenses, in accordance with District law. Three (3) examples of this type of board include: the *Board of Medicine*, the *Board of Nursing*, and the *Board of Architects and Interior Designers*.

1.16 Reappointment

1.16.1 If a member of a board or commission is not precluded by statute or Mayor’s Order, he or she may be considered for reappointment when the current term expires. Each member must complete a new “*Application for Mayoral Appointment to a Board or Commission*” and transmit it to the Director, Office of Boards and Commissions, along with an updated resume or bio. In determining whether to reappoint a current member to a new term, among the criteria that will be considered are the member’s record of attendance at the meetings of the board throughout the term, the member’s level of participation in the work and activities of the board, and changes in circumstances. Reappointment is not a certainty; there is no entitlement to life-time appointments to a board or commission.

1.17 Resignations

1.17.1 If a member of a board or commission is unable to complete his or her, or becomes ineligible to hold a seat (i.e., the seat requires District residency, and the member subsequently moves out of the District), the member shall inform the Director, Office of Boards and Commissions and the appropriate staff of the board or commission. A letter of resignation should be written and forwarded to the Mayor and the

Director, Office of Boards and Commissions, indicating the date the resignation is effective and whether you will be able to serve until a replacement is named. The member may also submit the resignation by electronic mail.

CHAPTER 2

DISTRICT LAWS, REGULATIONS AND GENERAL POLICIES AFFECTING THE OPERATIONS OF BOARDS AND COMMISSIONS

2.0 General requirements

- 2.0.1 As an appointee of the Mayor and member of a board, you should make yourself aware of the certain restrictions and requirements that may apply to you during your tenure as a board member.
- 2.0.2 Board members shall be familiar with and operate within the applicable governing statutes, Mayor’s Orders, regulations and bylaws, including District and federal laws at all times.
- 2.0.3 No board member shall make a unilateral decision, or take any action without the consent and approval of the board as a whole.
- 2.0.4 At industry or professional meetings, individual board members shall use discretion to avoid the appearance of speaking for the board, unless specifically authorized to do so.
- 2.0.5 A board member shall always keep in mind that the mission is to serve the public, and that it is inappropriate to use board membership to create a personal platform or for personal gain.
- 2.0.6 A member of a board or commission shall not accept, or solicit, anything of economic value as a gift, gratuity, or favor if it is given only because the member holds a position on a District board or commission.

2.1 Media relations, news and press communications

- 2.1.1 Media or press inquiries about board issues shall be directed to the board or commission chairperson, or to the administrative or executive officer of the board, who will see that all board members receive the detailed information by the next regular meeting, if not prior to the next regular meeting.
- 2.1.2 *What is a media contact?* Media contact is communication with staff from television, electronic, radio or print media (newspapers) for interviews, or by press releases or advisories, Cable T.V. appearances, local newspapers, and magazines.
- 2.1.3 All media contacts shall be cleared and coordinated, in advance, through the Director, Mayor’s Office of Communications, and notification provided to the Director, Office of Boards and Commissions. Violations may be cause to remove a member from a board or commission.
- 2.1.4 Only the chairperson of a board or commission shall serve as the official spokesperson of a board or commission and issue press releases on behalf of the entire board.
- 2.1.5 An individual board member shall not presume to speak as the representative of a board. An individual member of a board is not a Lone Ranger, and does not operate as a sole individual, nor does any member speak for himself or herself. Each member is an integral part

of an official, public collegial body that makes public decisions in accordance with the District Sunshine Law and other appropriate District regulations and laws.

- 2.1.6 A copy of the following shall be forwarded to the Director, Office of Communications, Executive Office of the Mayor, and the Director, Office of Boards and Commissions, by the chairperson of the board, as soon as prepared, or in accordance with subsection 2.1.8:
1. Legislative proposals;
 2. Testimony, correspondence, or reports prepared for the Council of the District of Columbia, the Congress of the United States, or any other official body; and
 3. Public notices and news releases.
- 2.1.7 No individual member of a board or commission shall disclose the details of a board investigation, personnel matter and information, proprietary information, or any matter or business discussed at a closed meeting or Executive Session unless those details are part of the public record. However, such information may be released to law enforcement, including the Inspector General or the D.C. Auditor or judicial officials pursuant to an official request.
- 2.1.8 Any proposed public statement, news release or announcement that a board plans to send to the media should be sent two (2) weeks, if practicable, in advance for clearance, through the agency information officer, to the Office of Communications, Executive Office of the Mayor, and the Director, Office of Boards and Commissions. The Mayor's Office of Communications has up-to-date press lists and will assist in editing any news statements, announcements, or releases so as to get maximum attention.
- 2.1.9 For more information, or if you are in doubt, contact the:
- Director, Office of Communications
Executive Office of the Mayor
John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 533
Washington, D.C. 20004
Telephone: (202) 727-5011

2.2. Cable television

- 2.2.1 Boards may also be able to publicize activities through the District cable television station, City Cable 16, by broadcasting meetings and special events of general interest or announcements about them. The board chairperson, or the Agency Public Information Officer to which the board relates, may be expected to assist in planning the broadcast, providing blank tapes, or writing scripts. The Office of Boards and Commissions may also assist the board in facilitating this service. To

schedule coverage and receive instructions, please make early contact with the Office of Boards and Commissions and the:

Office of Cable Television
3007 Tilden Street, N.W.
Washington, D.C. 20008
Telephone: (202) 671-0066

2.3 Requirement for open meetings

2.3.1 Sunshine Law

- 2.3.2 Under Section 742 of the District of Columbia Self-Government and Governmental Reorganizations Act, meetings of District government departments, boards, agencies or commissions at which official governmental action is taken shall be open to the public. The provisions of the District's "Sunshine Law" may be found at D.C. Official Code §2-207.42.
- 2.3.3 Exceptions to the Sunshine Law include meetings during which confidential subjects such as personnel matters, disciplinary matter discussions, or real-estate transactions, or other proprietary information, may be dealt with in closed-door or "Executive Sessions."
- 2.3.4 The Sunshine Law does not apply to committees or subcommittees of boards that make recommendations on official actions to be taken by the full board or commission.
- 2.3.5 Boards should restrict the total number of closed-door or *Executive Sessions* they hold. When in doubt, the chairperson of the board should consult an attorney in the agency, to which the board relates, or the Office of Boards and Commissions, for advice on the legality of meetings held in *Executive Session*.
- 2.3.6 A concomitant policy of the open meeting rule is that all meetings shall be held in facilities that are accessible to the general public, especially persons with disabilities.

2.4 Public notice

- 2.4.1 Notice of meetings of a board or commission shall also be given, most commonly through publication of a notice in the *D.C. Register*, published by the Office of Documents, Office of the Secretary of the District of Columbia. (See generally, *D.C. Official Code §2-553*.)
- 2.4.2 If a board or commission meets on a regular fixed schedule, the board shall publish its regular meeting schedule in the *D.C. Register*.
- 2.4.3 If the board meets on an irregular schedule, the board shall publish a reasonable advance notice of the scheduling of all meetings at which official action will be taken. When possible, an agenda of all items to be discussed at the meetings should also be published with the advance notice. If advance notice is not practicable, the public should be informed where and when a copy of the agenda may be obtained.

2.5 Freedom of Information Act

- 2.5.1 The Freedom of Information Act (FOIA) for the District is found in D.C. Official Code §2–501 *et seq.* Under the Freedom of Information Act, all persons are entitled to access to public records regarding the affairs of government and the official acts of those who represent them as public officials and employees. Thus, any person has a right to inspect any public record pursuant to *D.C. Official Code §2–532*, except where disclosure is exempt under *D.C. Official Code §2–534*.
- 2.5.2 Most boards are either independent, or subordinate, agencies as defined by the D.C. Administrative Procedure Act and, as such, must comply with the FOIA.
- 2.5.3 For further information about the applicability of the FOIA to your board, contact the Office of Legal Counsel, Office of the Attorney General, at (202) 727–3400.
- 2.5.4 Facts About Electronic-mail. In the course of serving on a board or commission you will most likely utilize electronic mail (e-mail) to conduct the business of your board or commission. Please keep in mind that District FOIA laws governing written communications also apply to e-mail messages. Please be advised that your correspondence in the form of e-mail relating to board business may be subject to public inspection. The laws on defamation, privacy, copyright, obscenity, fraudulent misrepresentation and discrimination may also apply to e-mail messages. Despite the appearance of privacy, e-mail messaging is in many ways less confidential than intra-office mail and voice mail. Any message can be retrieved from a network. Do not be fooled by the fact that you have “deleted” your message or “emptied” your e-mail trash. An expert can extract a message that is no longer accessible to the rest of the system’s users – no matter how short or how old the message is. E-mail that was presumed to have been “destroyed” has been located, decoded, and used as evidence in litigation.

2.6 Interpreters

- 2.6.1 D.C. Law 7–62 (*D.C. Official Code §2–509* and *D.C. Official Code §2–1901 et seq.*) provides for qualified interpreters to assist hearing-impaired and non-English speaking persons to participate in proceedings of the courts, legislature, administrative agencies and bodies, departments, and boards and commissions. In instances where the board has notice that a hearing-impaired or non-English speaking individual will appear before the board, the board shall arrange for interpreter services.
- 2.6.2 Agencies and boards are expected to contract for these services from a list provided by the Office of Contracting and Procurement. For additional information in arranging for a qualified interpreter, please contact:
 - Office of Boards and Commissions
 - 441 4th Street, N.W., Suite 530–South
 - Washington, D.C. 20001
 - Telephone: (202) 727–1372
 - Facsimile: (202) 727–2359

2.7 Bylaws and procedures

- 2.7.1 A board may develop and adopt bylaws, rules and other procedures governing its operations. Except that, any rules adopted as part of the DCMR shall meet all legal sufficiency requirements and shall be published in the D.C. Register as required by the District of Columbia Administrative Procedure Act (APA), and as noted below.
(*See subsection 2.8.*)
- 2.7.2 Copies of all bylaws, rules or other procedures and legal documents governing each board’s operations, as well as any proposed amendments should be sent to the Agency Liaisons and to the Office of Boards and Commissions.

2.8 Administrative Procedures Act

- 2.8.1 The District of Columbia Administrative Procedure Act (APA) provides a statutory framework for District government administrative practice and procedures. The law requires public notice of rulemaking activities and the publication of rules. It also provides for adversary hearings and procedures in contested cases and judicial review.
(*See generally D.C. Code §§2–501 et seq.*)
- 2.8.2 The Act provides that any orders, directives, or agency policies or procedures that have general applicability to the public must be adopted as rules in accordance with the D.C. Administrative Procedure Act.
- 2.8.3 When in doubt as to the requirements for promulgating and adopting rules, the board should consult with the agency general counsel, board attorney-advisor, the Office of Documents and Issuances, or the Office of Boards and Commissions, if there are any questions when preparing and adopting rules. It is important that all applicable provisions of the D.C. APA and the standards of the Office of Documents are followed. In addition, some proposed rulemaking by a board may require the review and approval of the Council of the District of Columbia.

2.9 D.C. Register and the DCMR

- 2.9.1 The Office of Documents, Office of the Secretary of the District of Columbia, publishes the weekly *D.C. Register* which is the official vehicle for the publication of official government actions, including rules and regulations, hearing notices, Mayor’s Orders, and other documents of general public interest. In addition, D.C. Law 2–153 (*D.C. Official Code §2–553*), mandates the comprehensive compilation of rules and regulations in the D.C. Municipal Regulations (DCMR) (*D.C. Official Code §2–552*), which are also prepared and published by the Office of Documents.
- 2.9.2 It is the responsibility of each board chairperson to ensure that its rules and actions have been properly promulgated and published and that it has complied with all provisions of the D.C. Administrative Procedure Act.

2.9.3 If a board requires assistance in writing or publishing regulations, the board chairperson, or designee, shall contact the Office of Documents, Office of the Secretary of the District of Columbia for assistance. For additional information, contact:

Office of Documents
Office of the Secretary of the District of Columbia
441 4th Street, N.W., Suite 520–South
Washington, D.C. 20001
Telephone: (202) 727–5090

CHAPTER 3

STANDARDS OF ETHICAL CONDUCT AND INTEGRITY FOR MEMBERS OF BOARDS AND COMMISSIONS

3.0 Standards of ethical conduct for board members

The ethical conduct of District employees and officials is governed by law and regulations and by common sense and good judgment. The Mayor places the highest priority on compliance with ethical standards by board members, as well as by employees of the government. The general policies are set forth in *D.C. Official Code §1–618.01, §1–618.02 and §1–618.03*, and in Chapter 18 of the D.C. Personnel Regulations. In part, they bar taking, ordering or participating in any official action that would adversely affect the confidence of the public in government and call for the maintenance of high standards of honesty, integrity, impartiality and conduct and the avoidance of misconduct and conflicts of interest. Officials must avoid any actions that might result in or create the appearance of using public office for private gain, giving preferential treatment to any person, impeding government efficiency or economy, losing independence or impartiality, making government decisions outside official channels, or undermining public confidence in the integrity of government.

3.1 Ethics and the appearance of fairness

- 3.1.1 As a board member, you are expected to uphold a high standard of ethics. *It is important that board members avoid conflicts of interest, or even the appearance of conflicts of interest.*
- 3.1.2 Using a public position for private gain is improper and can be illegal. Similarly, actions benefiting close relatives are prohibited. There are penalties for violations of District ethics statutes, including forfeiture of position, incarcerations, or fines. The following are examples of conflicts of interest:
 - 1. Directing state contracts to a business in which one has a financial interest.
 - 2. Using official confidential information for private investments.
 - 3. Accepting gifts or favors in exchange for certain regulatory rulings.
 - 4. Accepting gifts or favors in exchange for making certain purchases.
 - 5. Obtaining personal favors from employees.
 - 6. Accepting favors for disclosure of confidential information.
 - 7. Engaging in outside employment that assists non-governmental entities in their quest for District business.

- 3.1.3 Board members may avoid conflict of interest problems by making themselves aware of statutory and regulatory restrictions, or restrictions pursuant to a Mayor’s Order, adhering to the restrictions, using good judgment, and being fair, equitable and impartial in decision-making.
- 3.1.4 The following are the most frequently asked questions, and their answers, about ethical conduct for board members:

1. **Question:** As a person whose only official connection to the District government is as a board member, am I still subject to ethical conduct law and regulations?
Response: Yes. (See D.C. Official Code §1–602.02(3).)
2. **Questions:** Do the financial interest rules apply to me?
Response: Yes.
3. **Question:** If I, my firm or members of my family have a contract or want to bid on a contract with the D.C. government, am I barred from serving on a board? Is the answer the same if the board has purely advisory functions?
Response: The answer depends on the nature of the contract and the specific board involved. Members and boards are urged to consult the applicable Agency Ethics Officer, the District Ethics Officer in the Office of the Attorney General, or the Director of the Office of Boards and Commissions, in any case in which they believe a conflict might exist. Whenever necessary, written legal opinions on specific issues may be provided to the member and to the board.
4. **Question:** Are there restrictions on my activities after my appointment ends?
Response: There are some restrictions for some board members.
5. **Question:** Am I barred from representing a person or other entity in a matter before a District government agency?
Response: It depends. If your position as a member of a board or commission does not require you to work for more than 130 days per year; you are generally free to represent a person or other entity in a matter pending before a District government agency. The two (2) exceptions are:
 - a. You may not represent a person or entity with respect to a particular matter involving a specific party or parties if you participated personally and substantially in the matter as a District government employee, or as a member of a District government board or commission; and
 - b. You may not represent a person or entity in a matter that is pending before the District government board or commission of which you are a member.

- 3.1.5 For additional information, or when in doubt, contact:

Ethics Officer
Office of the Attorney General
John A. Wilson Building
1350 Pennsylvania Avenue, N.W., 4th Floor
Washington, D.C. 20004
Telephone: (202) 727–3400

3.2 Conflicts of interest and financial disclosure

- 3.2.1 Service on most boards and commissions require that members make certain public disclosures, including completing and filing of an annual Financial Disclosure Statement with the District of Columbia Office of Campaign Finance.
- 3.2.2 Members are required to file the annual Financial Disclosure Form on or by *May 15th* of each calendar year.
- 3.2.3 Failure to file the Financial Disclosure Form may result in the imposition of financial penalties or the forfeiture of the board appointment.
- 3.2.4 District law provides that no employee or official (including those who spend less than 130 days a year on government business) may have any employment, private business activity, or direct or indirect financial interest that conflicts with the fair, impartial and objective performance of official duties. This prohibition extends to members of the immediate family of the official.
- 3.2.5 Members of boards and commissions are subject to the conflict of interest provisions of the Comprehensive Merit Personnel Act, (*D.C. Official Code §1–618.01, §1–618.02 and §1–618.03*), and the standards set forth in Charter 18 of the D.C. Personnel Regulations. If a member, whether compensated or not, is required to file a financial disclosure statement under *D.C. Official Code §1–1106.02*, that member is a “public official” and as such is subject to the conflict of interest standards set forth in *D.C. Official Code §1–1106.01*. Several provisions of Title 18 of the U.S. Code — namely, §§201, 203, 205, 207, 208, and 209 – also are applicable to all members of all boards and commissions.
- 3.2.6 In addition, federal and District laws and regulations (§207 of Title 18 of the U.S. Code, 5 C.F.R. Part 737 and §1814 and §1815 of the D.C. Personnel Regulations) place restrictions on members post-appointment conduct in areas where they had government responsibilities, or in matters in which they participated personally and substantially. The law generally establishes time periods during which certain conduct is prohibited and provides criminal and civil penalties for violations. The District Ethics Officer and the Agency Ethics Officers in the various agencies are available to advise on post-appointment questions. As noted above, *D.C. Official Code §1–1106.02* requires members of certain boards and commissions to file financial disclosure statements with the Office of Campaign Finance:
1. Not later than May 15th after every calendar year in which they serve; and

2. Within 90 days of the end of their appointment, if the member ceases to serve prior to May 15th of any year.
 3. In addition, any pertinent changes in status that you may experience after you file, including a change of address, must be filed within 30 days.
- 3.2.7 The Office of Campaign Finance is not required to send notices or forms to affected Members as a reminder. The Office of Boards and Commissions does provide financial disclosure statement forms to members when they are sworn in to serve and may send reminders to members
- 3.2.8 Because there are significant penalties for noncompliance, affected boards are urged to have staff procure the necessary forms and distribute them to members in early April each year. A short form is available for the use of members who previously filed a long form and must be notarized.
- 3.2.9 The Office of Campaign Finance and the Office of Boards and Commissions will provide notary services at no charge to a member of a board or commission.
- 3.2.10 Agency Ethics Officers and the District Ethics Officer are available to advise a board member how both District and federal limitations might apply to a specific board or to an individual member. However, questions relating to the requirements of the Conflicts of Interest and Financial Disclosure provisions of the law (*D.C. Official Code §1–1106.01 and §1–1106.02*) should be directed to the Office of Campaign Finance.
- 3.2.11 The Financial Disclosure Forms shall be filed directly with the Office of Campaign Finance. The Office of Boards and Commissions will not accept, and will not file, a Financial Disclosure Form on behalf of individuals.
- 3.2.12 For additional information on the filing of the Financial Disclosure Form and its requirements, please contact:
- Office of Campaign Finance
2000 14th Street, N.W., Room 420
Washington, D.C. 20009
Telephone: (202) 671–0550

3.3 The Hatch Act

- 3.3.1 For clarification of any issue relating to the Hatch Act, please contact the
- Office of Campaign Finance.
2000 14th Street, N.W., Suite 420
Washington, D.C. 20009
Telephone: (202) 671–0550

3.4 Reporting misconduct

- 3.4.1 As officials of the District government, board members have the responsibility to report any official misconduct that comes to their

attention and to assist the offices that have a duty to investigate misconduct within the District government. A good rule is to report such matters to the Office of the Inspector General, which can involve others as appropriate. The purpose of the Office of Inspector General is to promote integrity, economy, efficiency and effectiveness in the administration of District government programs and operations to prevent and detect fraud, waste, mismanagement and abuse; to monitor District procurement activities and to assist managers with the development of internal controls relating to management fraud, corruption or mismanagement. Except for government officials responsible for the area in which the misconduct is suspected, one should only discuss these matters only with the Office of the Inspector General. The Office of the Inspector General will investigate reports as appropriate and undertake to protect the innocent, refer wrongdoers for proper proceedings, and strengthen management controls. For additional information and to report possible misconduct, please contact:

Office of the Inspector General
717 14th Street, N.W., 5th floor
Washington, D.C. 20005
Telephone: (202) 727–2540
Fax: (202) 727–0267
(TIPS Hotline) (202) 727–0267
Website: <http://oig.dc.gov>
E-mail: oig@dc.gov

3.5 Prohibition against favoritism or bias in investigating complaints and their resolution

- 3.5.2 A board member, especially one serving on a professional occupational board, shall also fairly, impartially and in accordance with due process procedures make decisions with respect to occupational and professional discipline matters. A board member shall always safeguard and protect the interest of the public, and never shall exhibit favoritism to any individual or organization in matters coming before the board or commission. Conversely, a board member shall not exhibit bias or partiality against any individual or organization in matters coming before the board or commission

3.6 Travel

- 3.6.1 A member of a board or commission may travel at the expense of the board or commission, or a District government agency, if sufficient funding has been authorized and approved in the budget for that purpose, and if the travel is approved in advance by appropriate District government officials.
- 3.6.2 The travel shall take place only for the official related to the board or commission, or for training, seminars, professional development sessions, or conferences related to the mission or purpose of the board or commission.

- 3.6.3 A member who travels at the expense of the District government shall provide a written report to the board or commission on the training, seminars, professional development sessions, or conference that the member attended within 30 calendar days following the travel.
- 3.6.4 A member who travels at the expense of the District government shall provide, maintain and submit all appropriate receipts to the appropriate District officials in accordance with District government travel regulations and policy published by the Office of the Chief Financial Officer and the Office of Contracting and Procurement.
- 3.6.5 Staff members assigned to a board or commission may travel at the expense of the board or commission, if sufficient funding has been authorized and approved in the budget for that purpose, the travel is approved in advance by the appropriate District government officials, and it is authorized by the board or commission.

3.7 Donations policy

- 3.7.1 District government ethics rules and policies apply to the solicitation, the acceptance, and the use of donated funds, services and property. The requirements are set forth in Mayor's Order 2002–2 and Mayor's Memorandum 2002–1.
- 3.7.2 All solicitations of donations, unsolicited donations, and the acceptance and/or use of donations must be approved by the Mayor, or his or her designee. The Mayor has designated the Director, Office of Partnerships and Grants Development (OPGD), to exercise the Mayor's authority in this respect and to ensure compliance with the Mayor's Donations Policy. Only the OPGD may authorize the solicitation, acceptance and/or use of any and all donations (*monetary, in-kind property, services, etc.*).
- 3.7.3 Any checks provided by donors under the donations policy shall be made *"Payable to the DC Treasurer."*
- 3.7.4 Any donation that is made shall be used for an authorized function or duty, which is the same as the requirement for using appropriated funds.
- 3.7.5 A board member shall not use his or her official title, position, or authority as a member of a board or commission to solicit funds for non-governmental organizations.
- 3.7.6 For additional information, or assistance, please contact:
 Office of Partnerships and Grants Development
 441 4th Street, N.W.,
 Washington, D.C. 20001
 Telephone: (202) 727–8900
 Fax: (202) 727–1652
 Website: <http://www.opgd.dc.gov>

CHAPTER 4

THE OFFICE OF BOARDS AND COMMISSIONS AND AGENCY LIAISONS

4.0 Office of Boards and Commissions

- 4.0.1 The Director, Office of Boards and Commissions, is responsible for providing advice and recommendations to the Mayor on appointments to boards and commissions, and for processing and facilitating those appointments, maintaining official membership lists, advising on the structure and authority of each board, sponsoring or conducting training for members appointed to boards and commissions, publishing a regular vacancy list, and maintaining board appointments.
- 4.0.2 No legislation or Mayoral Order to establish a board or amend its legal authority should be proposed without seeking comments from the Office of Boards and Commissions.
- 4.0.3 The Office of Boards and Commissions is the primary facilitator and coordinator in the Executive Office of the Mayor for mayoral appointment to boards and commissions.

4.1 Agency liaisons

- 4.1.1 The relationship between boards and commissions and agencies within the Executive Branch is critical to the operation and leadership of the District government. In order to coordinate and facilitate this working relationship, each director of a District government agency shall designate a staff member in the agency to serve as a liaison between the agency and each board or commission that is located within, or affiliated with, the agency.
- 4.1.2 The agency liaison shall be responsible for ensuring that the boards have the necessary resources to carry out, their missions and responsibilities as provided by Mayor's Order or statutory authority, for ensuring that the boards meet their various obligations in a timely and successful manner, and for complying with all of the reporting requirements outlined in law and in this handbook, including the annual report.
- 4.1.3 The liaisons may in some cases also serve as the staff of the board, if they are so designated by the director of the agency. The primary function of the board staff is to carry out the rules, policies, and programs developed by the board. In addition, the staff members notify board members of pertinent issues and legislative activity. The staff may also be asked to arrange meetings, prepare meeting materials, compile background information, and conduct research. The board employees may also serve as liaison with other District boards and agencies, including the public. The board staff is a valuable resource for members, and a good board staff member can enhance the productivity and effectiveness of a board. A member of a board should not hesitate to ask board staff for assistance in carrying out the member's responsibilities.

4.2 Office of the Attorney General

- 4.2.1 The Attorney General for the District of Columbia is the District's chief legal officer. The Attorney General has staff assigned to certain boards, through an agency, as legal counsel. The Attorney General advises and represents District agencies, including boards and commissions, as they fulfill their official duties, issues legal opinions, and defends District officials and employees for actions performed in their official capacities and in good faith.
- 4.2.2 The legal counsel provided by the Office of the Attorney General can provide invaluable information and advice regarding District statutes and regulations, and other legal issues. A board that generally follows the advice of its legal counsel is less likely to find itself involved in legal problems. Board members may request the following kinds of information from their agency legal counsel:
- 1 Assurance that board decisions and actions fall within statutory authority.
 2. Questions about conflict of interest.
 3. Review of proposed regulations and revisions, and the drafting of board documents in legally sufficient language.
 4. Evidence in support of complaints, and the cross-examination of witnesses in formal hearings.
 5. General legal advice about board actions and activities.

4.3 District of Columbia Office of Personnel

- 4.3.1 The District of Columbia Department of Personnel (DCOP) is a valuable resource to which members of boards and commissions should look for guidance and training when dealing with hiring or other human resource issues. If your board has the responsibility of hiring the agency head, or executive director, it is critical that all board members have a clear understanding of the recruiting and hiring process in the District and process and follow appropriate procedures.
- 4.3.2 *Evaluation of Agency Head.* Once the decision to hire has been made, a board or commission must make it clear to the agency head, or executive director, of the board's expectations of that person and how the board's intended measurement of performance. Board members should consult with DCOP to ensure compliance with the District's Performance Management Program (PMP).
- 4.3.3 *Supervisory responsibility.* For a board and an agency head, or executive director, to work successfully together, the role of the board or commission versus that of the agency head must be clear. It is the agency head, or executive director who manages the agency. Under District law board members shall not supervise subordinate agency employees. All requests should be directed through the agency head, agency director, or executive director.

4.3.4 The DCOP may be contacted as follows:

D.C. Office of Personnel
441 4th Street, N.W., Suite 300–South
Washington, D.C. 20001
Telephone: (202) 442–9700

CHAPTER 5

BOARD OPERATIONS

5.0 Guiding themes of board service

- 5.0.1 The guiding themes for board service are “*Service, Responsibility and Integrity.*”
- 5.0.2 *Service* because the District appreciates the volunteer service of board members.
- 5.0.3 *Responsibility* because each board member shall be expected to participate fully in the work and operations of the board, attend meetings of the board, and come prepared to each meeting of the board.
- 5.0.4 *Integrity* because each member of the board shall maintain and comply with the highest ethical standards and code of personal conduct when conducting or participating in official District government business as a board member.

5.1 Member participation

- 5.1.1 It is important that all members participate actively and fully in the work of the boards to which they are appointed. The times and locations of meetings should be arranged so as to be convenient to the majority of members. In some instances, it may be advisable to stagger meeting times to be sure that as many members as practicable can participate.

5.2 Member absences

- 5.2.1 To the greatest degree possible, the boards are urged to handle absenteeism as an internal matter. However, board members who miss five (5) consecutive, unexcused, board meetings shall be deemed to have abandoned their position on the board. In those instances, the board chairperson shall notify the Director, Office of Boards and Commissions, who shall communicate with the member by first-class mail. If the member fails to respond within 15 calendar days, the Director, OBC, shall declare the seat to be vacant and the member to have forfeited the seat.
- 5.2.2 Boards may adopt a provision in their bylaws, or procedures, that permit the board to censure or reprimand members who have had three (3) consecutive, unexcused absences. For advice on problems of absenteeism, the board chairperson shall contact and consult the Director, Office of Boards and Commissions.

5.3 Role of the board chairperson

- 5.3.1 The role of the chairperson of a board or commission shall be to comply with all Mayor’s Orders, statutes, and rules governing or outlining the authority of the board or commission. A board chairperson shall remember that it is not the function of the board to run or operate

an agency. The management of an agency is the responsibility of the agency head.

5.3.2 The chairperson shall also:

1. Convene and preside at all meetings of the board.
2. Prepare and set, in consultation with other members, the agenda of board meetings.
3. Ensure that each board member is respected, and is permitted an opportunity to speak, or to have his or her say, on matters.
4. Maintain order and decorum at all meetings.
5. Ensure that the agency staff liaison maintains a record or minutes of all proceedings.
6. Interact with agency director and agency staff liaison on behalf of the board.
7. Serve with fairness and impartiality.
8. Serve as the chief spokesperson of the board for board actions.
9. Ensure that all individuals appearing before a board proceeding shall be treated with respect, dignity, fairness, and impartiality.
10. Provide written testimony, if required, before the Council of the District of Columbia on proposed legislation, proposed rules, or the annual fiscal year budget on behalf of the board.

5.4 The role of a board member

5.4.1 The role of a member of a board or commission shall be to comply with all Mayor's Orders, statutes, and rules governing the authority of the board or commission. A board member shall remember that it is not the function of the board to run or operate an agency. The management of an agency is the responsibility of the agency head.

5.4.2 Each member of a board shall also:

1. Regularly attend meetings of the board.
2. Come prepared to participate fully in the work and operations of the board.
3. Respect the authority of the chairperson.
4. Permit each board member an opportunity to speak or to provide comments on matters before the board.
5. Treat fellow board members with respect.
6. Work collegially with other members on the board. (*Remember, you can disagree without being disagreeable.*)
7. Maintain personal decorum at all board meetings.
8. Maintain fairness and impartiality on all matters coming before the board. (Remember; do not prejudge issues or

matters before considering all the available information or evidence.)

9. Treat all individuals appearing before the board with respect, dignity, fairness, and impartiality.
10. Recognize that the board must operate in an open and public manner.
11. Recognize that compromise may be necessary in order to reach group consensus.
12. Adhere to and follow legal opinions provided by agency counsel. (*Remember, you should not digress from a legal opinion provided by agency counsel. To do so might place the District government at civil or monetary risk. Agency legal counsel provides assurance that board decisions and actions fall within statutory or regulatory authority, provide advice on matters of conflicts of interest, review proposed rules for legal and technical sufficiency, and provide general legal advice about board actions.*)
13. Do not allow personal feelings toward other board members or agency staff to interfere with your judgment.
14. Always maintain your high standards of professionalism and professional integrity on all matters before the board, and in carrying out your duties as a board member.
15. Always place the public interest before personal, or what you might perceive as private, interests. (*Remember, you serve the public's interest as a board member.*)

5.5 Subcommittees

5.5.1 A board may establish and operate through subcommittees, but official action on a matter before a board must be taken by the full board in a public and open meeting, and on the record.

5.6 Bylaws and rules of organization and procedure

5.6.1 A board may adopt bylaws and rules of organization and procedures that are not inconsistent with the Mayor's Order or statute that established the board.

5.7 Rulemaking

- 5.7.1 A board member should be familiar with the rules and regulations codified in the District of Columbia Municipal Regulations (DCMR) that apply to the member's board or commission. (See generally *DC Official Code §2-552*.)
- 5.7.2 Rules and regulations are adopted to provide interpretive support for the underlying statute establishing the board or commission. A board may not propose new rules and regulations that exceed the scope of its statute or authority.
- 5.7.3 In making final policy decisions and voting on matters, board members may apply only the rules currently published in the DCMR may be applied by the board when making decisions.

- 5.7.4 If a current rule is to be amended, rewritten, or abolished, then the appropriate procedures required by the District’s Administrative Procedure Act (*DC Official Code §2-501 et seq.*) must be followed.
- 5.7.5 Proposed new rules require review by agency counsel, review by the Office of the Attorney General, publication in the *DC Register* of notice of intent to adopt proposed new rules and an opportunity for public comment, and publication of final rules in the DC Register.

5.8 Annual reports

- 5.8.1 Each board is required to file an annual report to the Mayor, through the Office of Boards and Commissions, not later than January 30th of each calendar year, on board activities and actions for the previous fiscal year.
- 5.8.2 Each report shall provide detail on the significant goals, objectives and accomplishments of the board.
- 5.8.3 Guidelines, including a sample for preparing annual reports appear as Appendix D.
- 5.8.4 Each report shall be signed by the chairperson of the board.
- 5.8.5 Should a board chairperson wish to bring matters of special interest, or concern, to the attention of the Mayor at any time, the chairperson is encouraged to make a request through the Director, Office of Boards and Commissions, immediately for response.

5.9 Budget

- 5.9.1 Generally, budgets are not established for boards and commissions. However, funds necessary for routine board and commission business are included in the budgets of the respective staff support agencies for the board or commission. Boards or commissions established as independent agencies may have direct control of their budgets.

5.10 Contracting and procurement

- 5.10.1 Members of boards and commissions have no contracting authority and cannot bind the District government contractually with a vendor. All goods and services provided to a District government entity shall have a valid written contract (or purchase order) in place prior to the receipt of those goods and services. Any member who violates the contracting and procurement laws could become personally liable for payment to a vendor for goods and services received.

CHAPTER 6

BOARD MEETINGS

6.0 Meeting agenda

- 6.0.1 It is the responsibility of the chairperson of the board or commission to set the agenda for each meeting. However, the staff of a board may prepare the agenda for meetings of a board at the direction of the chairperson.
- 6.0.2 The agenda for meeting shall be provided in advance to members of a board.
- 6.0.3 Each agenda should set aside some time for possible public comment at each meeting.
- 6.0.4 Listed below is a sample of a board meeting agenda.

Meeting Agenda

- 1. Call to order.
- 2. Roll call of board members.
- 3. Consideration and vote of minutes of last meeting.
- 4. Officer’s reports.
- 5. Committee reports.
- 6. Special orders - (*Important business previously designated for consideration at the meeting.*)
- 7. Unfinished business.
- 8. New business.
- 9. Public Comment - (*An opportunity to hear from the public on matters before the board. This could also be done earlier on the meeting agenda, and a time limit set. At a minimum, it should be about 10 minutes.*)
- 10. Announcements. (*Including the date and location of next meeting.*)
- 11. Adjournment

6.1 Having an effective meeting

- 6.1.1 Having an effective meeting requires planning in advance, both on the part of the chairperson, the agency staff, and the other members of the who participate. Unless, the meeting is a regularly scheduled meeting for which public notice has been provided, it may not always be necessary to have a meeting. However, the chairperson shall comply with all applicable Mayor’s Orders and statutes regarding meeting requirements in those instances where a meeting is cancelled. It is also good to have time limitations for discussion of items and matters, but the time limitation should be agreed upon in advance, or board members advised at the beginning of discussion on this item. It is never useful to engage in senseless parliamentary maneuvering. The chairperson may find it helpful to brief each board member before the meeting so that

each item on the agenda is clear. Where an issue becomes too big for the board to handle adequately at a given meeting, the chairperson may recommend that the issue be addressed in the first instance by a subcommittee or task group of the board and which shall then report back to the board.

6.2 Meeting voting

- 6.2.1 Voting at meetings may be done by any manner practicable, or in any manner directed in Mayoral Order, statute, or regulations.
- 6.2.2 Basic methods of voting, include:
- 6.2.3 **Voice vote.** A vote by voice is the regular method of voting on any question that does not require more than a majority vote for its adoption.
- 6.2.4 **Roll call vote.** A roll call vote has the effect of placing on record how each member votes.
- 6.2.5 **Show of hands.** As an alternative to the voice vote or as a way to verify an inconclusive result, members show their vote by raising their hand.
- 6.2.6 **Proxy voting.** Proxy voting and the designation of voting alternates by appointed members shall be permitted *only* when provided for in the statute or Mayor's Order that constitutes the legal authority for the board. Otherwise, only duly appointed members, present at a meeting, shall be entitled to vote at board meetings. Currently, no District statute allows proxy voting.

6.3 Determining the vote result

- 6.3.1 **Majority vote.** The basic requirement for approval for action, except where a rule provides otherwise, is a majority vote. The term "*majority*" means "*more than half*" of the members voting at a properly called meeting with a quorum in attendance.
- 6.3.2 **Two-thirds vote.** A two-thirds (2/3s) vote means at least two-thirds of the votes cast by members present and voting at a properly called meeting with a quorum in attendance.
- 6.3.3 The chairperson shall announce the vote result for the record following each action. A complete announcement should include:
 - 1. Report on the voting itself, stating which side prevailed (and giving the count if a count prevailed).
 - 2. Declaration that the motion is adopted or lost.
 - 3. Statement indicating the effect of the vote or ordering its execution.
 - 4. Where applicable, announcement of the next item of business, or stating the question of the next motion that consequently comes up for a vote.

6.4 Meeting decorum

- 6.4.1 To maintain proper decorum at each meeting or hearing of a board, each member shall ensure that:
 - 1. All remarks must be germane to the matter before the board.
 - 2. All members refrain from attacking other board members personally or impugning the motives of a member.
 - 3. All remarks and questions should be addressed to and through the chairperson.

6.5 Meeting rules governing debate

- 6.5.1 The following are rules that should govern debate during meetings. They are:
 - 1. A member may not speak until recognized by the chair.
 - 2. When no special rule relating to the length of speeches is adopted by the group, a member shall speak no longer than ten (10) minutes unless the consent of the group is obtained.
 - 3. Rights in debate are not transferable. A member cannot yield an unexpired portion of his or her time to another member (the chairperson controls who speaks) or reserve any portion of time for later.

6.6 Meeting preparation

- 6.6.1 Board members should receive meeting agendas, minutes of prior meetings, and meeting packets sufficiently in advance of meetings to permit the members a meaningful opportunity to review the materials and to prepare for the meetings.

6.7 Meeting quorum

- 6.7.1 A quorum must be present in order for a board to take "official" action.
- 6.7.2 Generally, the actual numerical figure to establish a quorum may be stated in the law or Mayor's Order establishing the board or commission. However, if no numerical figure is stated, a quorum shall be a majority of the established seats or positions for the board. *Example No. 1: if the board is established with seven (7) members, then the quorum is four (4) members necessary to take action. Example No. 2: if the board is established with seven (7) members, and has a vacancy, then the quorum still remains at four (4) members which is necessary to take any official action.*

6.8 Meeting minutes

- 6.8.1 A record of the minutes of each prior board meeting, noting actions, discussions and votes of each meeting, shall be made and maintained by each board or commission.
- 6.8.2 Proceedings of meetings and board actions may be recorded, but the minutes of prior board meetings, actions and votes should be reduced

- to writing and considered and voted on at succeeding meetings of the board.
- 6.8.3 The minutes of meetings shall be maintained and stored by the staff of the boards, and shall be available for review by the general public on request.
 - 6.8.4 Minutes must reflect an accurate account of board discussions, votes and actions.
 - 6.8.5 Minutes should follow the previous board meeting agenda.
 - 6.8.6 Minutes that refer to supporting documentation, papers, adopted policies, legal opinions, correspondence, or subcommittee reports should have those records as attachments to the minutes.
- 6.9 Meeting location**
- 6.9.1 Board meetings should be in public facilities and at locations that are accessible to the general public, especially persons with disabilities.
- 6.10 Meeting parliamentary authority**
- 6.10.1 The rules contained in the current edition of Robert’s Rules of Order shall govern the meetings of boards and commissions in all cases to which the Rules are applicable and in which they are not inconsistent with the statute or Mayor’s Order that established the board or by-laws adopted by the board.

(Sample No. 1)

**BOARD OF REAL PROPERTY ASSESSMENTS AND
APPEALS FOR THE DISTRICT OF COLUMBIA**

PUBLIC NOTICE

NOTICE OF PUBLIC MEETING

The Board of Real Property Assessments and Appeals for the District of Columbia will hold a public meeting on Monday, February 24, 2005 from 10:00 a.m. through 12:30 p.m. The public meeting will be held at the Office of Research and Analysis, 441– 4th Street, N.W. Suite 430–South, Washington, D.C. 20001.

The agenda for the public meeting is as follows:

Agenda

- 1. *Call to Order*
- 2. *Consideration and vote: Approval of Minutes, January 15, 2005.*
- 3. *Consideration and vote: Setting the dates of yearly meetings.*
- 4. *Adjournment*

(Sample No. 2)

(Sample No. 3)

BOARD OF REAL PROPERTY ASSESSMENTS AND
APPEALS FOR THE DISTRICT OF COLUMBIA

PUBLIC NOTICE

NOTICE OF PUBLIC MEETINGS

The Board of Real Property Assessments and Appeals for the District of Columbia will hold a public meeting on the following dates during Calendar Year 2005. All meetings will be held at the Office of Research and Analysis, 441– 4th Street, N.W. Suite 430–South, Washington, D.C. 20001. The meeting dates and times are as follows:

- Monday, January 15, 2005 (6:00 p.m.)
- Monday, March 15, 2005 (6:00 p.m.)
- Monday, May 15, 2005 (6:00 p.m.)
- Monday, July 15, 2005 (6:00 p.m.)
- Monday, September 15, 2005 (6:00 p.m.)
- Monday, November 15, 2005 (6:00 p.m.)

BOARD OF REAL PROPERTY ASSESSMENTS AND
APPEALS FOR THE DISTRICT OF COLUMBIA

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

The Board of Real Property Assessments and Appeals for the District of Columbia (BRPAA) will hold a public hearing on Monday, February 24, 2005 from 10:00 a.m. through 12:30 p.m. The public hearing will be held at the Office of Research and Analysis, 441 4th Street, N.W. Suite 430–South, Washington, D.C. 20001.

Members of the public who are interested in presenting testimony should contact the BRPAA at (202) 727–0000, and ask for Mr. Martin Little to sign up to testify; or fax a copy of the comments to (202) 727–0002, at least 48 hours prior to the meeting. All oral testimony during the public hearing will be limited to five (5) minutes, without exception. The record of the public hearing will close by the close of business (5:00 p.m.) two (2) days following the public hearing.

(Sample No. 4)

BOARD OF REAL PROPERTY ASSESSMENTS AND APPEALS
FOR THE DISTRICT OF COLUMBIA

PUBLIC NOTICE

NOTICE OF PROPOSED RULEMAKING

The Board of Real Property Assessments and Appeals for the District of Columbia (BRPAA) hereby gives notice of an extension of time in which to file comments on its intent to amend Chapter 20 of Title 9 of the District of Columbia Municipal Regulations (DCMR) regarding burden of proof. Notice of the Proposed Rulemaking was published in the D.C. Register on April 30, 2004, at D.C. Register pp. 4445–4549.

Comments shall be received within thirty (30) days of publication of this public notice in the D.C. Register after which time the Board of Real Property Assessments and Appeals will review the comments received, modify the proposed rules as necessary, and take final rulemaking action. Final rulemaking will take place in not less than thirty (30) days from the publication of this notice in the D.C. Register.

All persons desiring to comment on this subject matter of the proposed rulemaking should file written comments no later than thirty (30) days after the date of publication in the D.C. Register. Comments shall be addressed to Sally Staff, Executive Director of the Board of Real Property Assessments and Appeals, or the chairperson of the Board of Real Property Assessments and Appeals, Dr. Jane Doe, Ph.D., at 441 4th Street, N.W., Room 430–South, Washington, D.C. 20001. Copies of the proposed rule may be obtained from the Board of Real Property Assessments and Appeals at the same address, or by telephone at (202) 727–0000.

SUMMARY OF BOARD RESPONSIBILITIES

The following below is a listing of the board responsibilities with an indication of the officers or agencies that must be aware of board actions or with which the boards by their authorities.

Responsibilities	Chairperson	Board Staff	Director, boards & Commissions	Other
Agendas & Minutes	X	X		
Policy Issues & Recommendations	X		X	
Annual & Interim Reports	X			Original to the Mayor, C
Amendments to Legal Authority: By statute and by Mayor's Order	X	X	Receives copy	Review and Clearance by Office of the Attorney General (OAG)
Legislation, Communications or testimony to Council, Congress, etc	X	X	Receives copy	Coordination with EOM, Office of EOM Office of Communications
Public Information & News Releases	X	X	Receives copy	Clearance by Office of EOM Office of Communications
Bylaws, Rules & Regulations & Operating Procedures		X	Receives copy	Review and clearance by the OAG
Meeting & Hearing Schedule	X	X	Receives copy	
Records Preservation		X		Coordinates with Reports Management
Freedom of Information		X		Coordinates with agency OAG
Maintenance of Accurate Membership List			X	
Filing of Financial Disclosure Forms with Office of Campaign Finance				All board members
Questions on Ethical Conduct		X		Agency OAG
Reporting Misconduct				W: Office of the Inspector General
Receiving & Managing Funds	X	X		Coordinates with Agency CFO
Providing Interpreters		X		

ANNUAL REPORT

Board of Commissions

*441 4th Street, N.W.
Suite 530–South
Washington, D.C. 20001
(202) 727–1372*

GOVERNMENT OF THE DISTRICT OF COLUMBIA



ANNUAL REPORT FOR 2005

Name of Board:	Board of Commissions
Board Members:	Ronald R. Collins, Chairperson Trace Flowers, Public Member Ellen Laughlin, Public Member Shelly Ford, Public Member
Board Staff:	Administrative Officer
Agency Director:	Cary Efficient
Address:	441 4th Street, N.W. Suite 530–South Washington, D.C. 20001
Telephone:	(202) 727–1372 Facsimile:(202) 727–2359
Web Site Address:	www.obc.dc.gov

Respectfully submitted,

Ronald R. Collins, Chairperson

Performance Report for Fiscal Year 2005

for the Board of Commissions

Mission Statement for the Board of Commissions:

Major program goals and objectives:

1. Major program accomplishments:
2. Listing of number, including dates of regular and special meetings held during the year.
3. Listing of number, including dates and locations of public hearings.
4. Unresolved problems or issues that warrant mayoral attention.
5. If a regulatory board, a summary of official actions taken.
6. Summary of legislative issues that affect the board or on which the board has provided comments to the executive branch or given testimony.
7. Summary of purpose and intent of any regulations or public notices issued.
8. An assessment of the effectiveness of the board’s operations in meeting its stated goals and recommendations for improving operations or linkages with the District government.
9. A projection of issues to be addressed in the fiscal next year, including:
 - a. Planned program objectives to be accomplished:
 - b. Major legislative issues to be addressed:
 - c. Major issues to be discussed and addressed:
 - d. Planned issuance and type of public notices and regulations:

APPENDIX E

Table of Rules and Related to Parliamentary Procedure Motions
Based on Roberts Rules of Order (Newly Revised Motions)

Motion <i>(by order of precedence)</i>	Interrupt	Second	Debatable	Amendable	Vote
Adjourn	No	Yes	No	No	Majority
Recess	No	Yes	Sometimes	Yes	Majority
Question of Privilege	Yes	No	No	No	Chair
Personal Privilege	Yes	No	No	No	Chair
Parliamentary Inquiry	Yes	No	No	No	Chair
Point of Information	Yes	No	No	No	Chair
Orders of the Day	No	No	No	No	Chair
Lay on the table	No	Yes	No	No	Majority (2.3)
Previous Question	No	Yes	No	No	2/3
Limit or extend debate	No	Yes	No	Yes	2/3
Postpone to a certain time	No	Yes	Yes	Yes	Majority
Refer to committe	No	Yes	Yes	Yes	Majority
Amend	No	Yes	If motion is	Yes	Majority
Postpone Indefinitely	No	Yes	Yes	No	Majority
MAIN MOTION	No	Yes	Yes	Yes	Majority
RECONSIDER	Yes	Yes	If motion is	Yes	Majority
RECIND	No	Yes	Yes	No	2/3 (majority)
AMEND MOTION PREVIOUSLY ADOPTED	No	Yes	Yes	Yes	2.3 (majority)
MOTION <i>(no order of precedence)</i>					
Appeal from decision of Chair	Yes	Yes	Sometimes	No	Majority
Suspend the rules	No	Yes	No	No	2/3
Object to consideration	Yes	No	No	No	2/3 against con.
Point of order	Yes	No	No	No	Chair
Withdraw a motion	Yes	Yes	No	No	Majority
Division of question	No	Yes	No	No	None
Division of assembly	Yes	No	No	No	None